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10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE DISTRICT OF GUAM

12 UNITED STATES OF AMERICA,)

CRIMINAL CASE NO. 97-00026

13 Plaintiff,)

14 vs.)

15 MELVIN LEON GUERRERO,)

**MOTION FOR ENTRY OF
ORDER OF GARNISHMENT**

16 Defendant,)

17 _____)
18 DEPARTMENT OF REVENUE)
AND TAXATION,)
19 GOVERNMENT OF GUAM,)

20 Garnishee.)
21 _____)
22

23 Plaintiff, United States of America, respectfully requests the Court to enter the Final
24 Order in Garnishment in this matter pursuant to 28 U.S.C. § 3205. In support of this motion, the
25 United States respectfully states to the Court the following:

26 1. An Application for Writ of Garnishment was filed by the United States of
27 America, and a Writ of Garnishment directed to Garnishee was duly issued and served upon the
28 Garnishee.

1 2. Pursuant to the Writ of Garnishment, the Garnishee filed an Answer stating that at
2 the time of the service of the Writ it had in its possession or under its control personal property
3 belonging to and due defendant, in the form of Income Tax Refunds and Earned Income Credits.

4 3. The defendant was served with a copy of the Writ of Garnishment and notified of
5 his right to a hearing. The defendant has not requested a hearing to determine exempt property.

6 4. 28 U.S.C. § 3205(c)(7) states:

7 After the garnishee files an answer and if no hearing is requested
8 within the required time period, the Court shall promptly enter an
9 order directing the garnishee as to the disposition of the judgment
10 debtor's non-exempt interest in such property.

11 5. As set forth in the Writ of Garnishment, the amount of the debt due totals
12 \$183,924.00 as of April 29, 2008.

13 WHEREFORE, all conditions to the issuance of a Final Order in Garnishment against the
14 savings of the defendant are fully satisfied. The United States respectfully requests that a Final
15 Order in Garnishment be issued.

16 DATED this 23rd day of June, 2008.

17 LEONARDO M. RAPADAS
18 United States Attorney
19 Districts of Guam and the NMI

20 By: /s/ Jessica F. Cruz
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